

ESTTA Tracking number: **ESTTA745697**

Filing date: **05/11/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Solvay SA
Granted to Date of previous extension	05/11/2016
Address	Rue de Ransbeek 310 Brussels, B-1120 BELGIUM

Attorney information	Mark B. Harrison Venable LLP P.O. Box 34385 Washington, DC 20043 UNITED STATES trademarkdocket@venable.com, mbharrison@venable.com, jmk-lass@venable.com, lmfuller@venable.com, pjwyles@venable.com Phone:2023444019
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Applicant Information

Application No	86737074	Publication date	01/12/2016
Opposition Filing Date	05/11/2016	Opposition Period Ends	05/11/2016
Applicant	Quimobasicos del Noreste S.A. de C.V. Col. Pedro Lozano Monterrey, Nuevo Leon, 64420 MEXICO		

Goods/Services Affected by Opposition


Class 001. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Chemicals for industrial purposes; Chemicals used in industry; Coolants

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3888504	Application Date	03/12/2009
Registration Date	12/14/2010	Foreign Priority Date	NONE
Word Mark	AQUIVION		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Chemicals used in industry and science;unprocessed artificial resins, unprocessed plastics; unprocessed fluoropolymersfor use in electric industry, electrochemical industry and electronic industry;chemical catalyst, namely, catalysts for chemical and biochemical processes; polymerization catalyst, namely, catalysts for use in the manufacture of synthetics, rubbers and polymers; and surface-hydrophilization agent for filtration webs,namely, polymers in colloidal dispersions; electro-active polymers for use in further manufacturing; electroactive chemicals, namely, electrocatalysts; products of semi-worked plastics, namely, semi-finished products in the form of solutions polymer dispersions</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, catalyst coated membranes for use in fuel cells; Scientific apparatus and instruments for conducting, switching, transforming, accumulating,regulating or controlling electricity, namely, electrochemical sensors or actors; Scientific apparatus and instruments for conducting, switching, transforming,accumulating, regulating or controllingelectricity, namely metal ion recovery,deionization or ion-exchange devices inthe nature of membranes and separation membranes; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely hydrogen-purification devices in the nature of membranes and separation membranes; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely membranes for electrodialysis;membrane separators for use in electrolysis systems, namely, electrolysis cell for use in the manufacture of various ionic solutions or gases; fuel cells; membrane electrode assemblies commonly knownas MEAs, comprised of aggregates of proton exchange membrane electrolytes, catalysts and electrodes; polymer electrolyte membranes</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0 Drug-release devices sold without medication</p> <p>Class 017. First use: First Use: 0 First Use In Commerce: 0 Products of semi-worked plastics, namely, semi-finished products in the form ofpellets, rods, sheets, foams, fibers, films, foils, slabs; insulating materials; semi-worked fluoropolymer or fluoropolymer composite materials in the form of films, sheets, tubes, bars, rods, blocks, and pellets for use in electric industry, electrochemical industry and electronic industry</p>

Attachments	<p>77689804#TMSN.png(bytes)</p> <p>Solvay v. Quimobasicos de Noreste AQUION Notice of Opposition.pdf(152030 bytes)</p>
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	AQUIVION TSDR printout Exhibit A.pdf(266851 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark Harrison/
Name	Mark B. Harrison
Date	05/11/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SOLVAY SA

Opposer,

v.

Quimobasicos del Noreste S.A. de C.V.
sociedad anonima

Applicant.

Attorney's Reference: 32232-402495

Opposition No. _____
Application Serial No. 86/737074
AQUION

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark AQUION filed by Quimobasicos del Noreste S.A. de C.V. sociedad anonima ("Applicant"), as shown in Application Serial No. 86/737074 published for opposition in the *Official Gazette* of January 12, 2016.

Solvay SA ("Opposer"), a Belgian corporation with an address at Rue de Ransbeek 310, B-1120 Brussels, Belgium believes that it will be damaged by registration of the mark shown in said Application Serial No.86/737074, and hereby opposes the same:

As grounds for opposition it is alleged that:

1. Opposer, itself and through its subsidiaries, is now, and for many years has been, engaged in the business of manufacturing and marketing, among other things, chemicals for use in industry and science.
2. Opposer is the owner of U.S. Trademark Registration No. 3,888,504 for the mark AQUIVION, issued December 14, 2010 from an application filed March 12, 2009. Said registration covers, among other things, "Chemicals used in industry and science."

3. A copy of Registration No. 3,888,504 and printouts from the TSDR electronic database records of the U.S. Patent and Trademark Office showing the current status and title of said registration are attached Exhibit "A."
4. Applicant did not use the trademark AQUION in the U.S. prior to August 25, 2015.
5. Applicant did not use the trademark AQUION in the U.S. prior to December 4, 2010.
6. Opposer's constructive date of first use for the mark AQUIVION in the U.S. is earlier than any date of first use that may be relied upon by the applicant for its mark AQUION in the U.S.
7. The goods listed in Application Serial No. 86/737074 for which applicant seeks to register the mark AQUION are related to goods listed in Class 1 in Opposer's Registration No. 3,888,504 for the mark AQUIVION.
8. The goods "chemicals used in industry" listed in Application Serial No. 86/737074 for which applicant seeks to register the mark AQUION are identical to the goods "chemicals used in industry" listed in Class 1 in Opposer's Registration No. 3,888,504 for the mark AQUIVION.
9. The trademark AQUION sought to be registered by the applicant is substantially similar to Opposer's trademark AQUIVION.
10. Consumers are likely to be confused between the marks AQUION and AQUIVION as used on identical or related products.
11. Consumers are likely to be confused and to mistakenly believe that applicant's products offered under its AQUION mark either emanate from or are licensed by, sponsored by, or associated with Opposer.

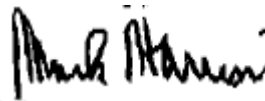
12. If the applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between applicant's trademark and Opposer's trademark, and the related nature of the goods covered by those marks. Any defect, objection or fault found with applicant's goods would reflect upon, seriously injure, and damage the reputation and value that Opposer has established under its trademark.

WHEREFORE, Opposer prays that Application Serial No.86/737074 be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of the Opposer.

This Notice of Opposition is submitted together with the statutory filing fee of \$300.00 (Class 1). Should any additional fee be required, please charge the same to our Account No. 22-0261 and notify the undersigned accordingly.

Opposer appoints Mark B. Harrison, Rebecca Liebowitz, Linda Zirkelbachs and Halle Markus along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,



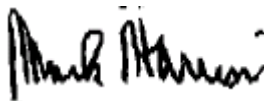
Date: May 11, 2016

By: _____
Attorneys for Opposer
Mark B. Harrison
Rebecca Liebowitz
Halle Markus
Linda Zirkelbach
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: 202/344-4019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served by U.S. Mail, first class, postage prepaid, on this 11th day of May, 2016 on the Applicant's attorney of record at the address listed in the current U.S. Trademark Office Records as follows:

Stephen I. Baker
Baker and Rannells PA
92 East Main St., Suite 302
Somerville, New Jersey 08876



Mark Harrison

EXHIBIT "A"

Some users are unable to retrieve data from TSDR using the Internet Explorer browser. The USPTO is working to resolve the system problem. As a workaround, please open TSDR in a different browser, such as Google Chrome, Safari, or Mozilla Firefox. For additional assistance, email TSDR@uspto.gov.

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Print

Generated on: This page was generated by TSDR on 2016-05-11 09:22:42 EDT**Mark:** AQUIVION

AQUIVION

US Serial Number: 77689804**Application Filing Date:** Mar. 12, 2009**US Registration Number:** 3888504**Registration Date:** Dec. 14, 2010**Register:** Principal**Mark Type:** Trademark**TM5 Common Status****Descriptor:**

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** Dec. 14, 2010**Publication Date:** Sep. 28, 2010

Mark Information

[Expand All](#)**Mark Literal Elements:** AQUIVION**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 0853334**Foreign Registration Date:** Oct. 20, 2008**Foreign Application/Registration Country:** BENELUX**Foreign Expiration Date:** Oct. 20, 2018

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

	For:	Chemicals used in industry and science; unprocessed artificial resins, unprocessed plastics; unprocessed fluoro electric industry, electrochemical industry and electronic industry; chemical catalyst, namely, catalysts for chemical processes; polymerization catalyst, namely, catalysts for use in the manufacture of synthetics, rubbers and polymers; hydrophilization agent for filtration webs, namely, polymers in colloidal dispersions; electro-active polymers for use in manufacturing; electroactive chemicals, namely, electrocatalysts; products of semi-worked plastics, namely, semi-worked plastics in the form of solutions polymer dispersions	
International Class(es):	001 - Primary Class	U.S Class(es):	001, 005, 006, 010, 026, 028
Class Status:	ACTIVE		
Basis:	44(e)		

	For:	Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; catalyst coated membranes for use in fuel cells; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrochemical sensors or actors; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely metal ion recovery devices; exchange devices in the nature of membranes and separation membranes; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely hydrogen-purification devices; membranes and separation membranes; Scientific apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely membranes for electrodialysis; membrane separators for use in electrodialysis cell for use in the manufacture of various ionic solutions or gases; fuel cells; membrane electrode assemblies known as MEAs, comprised of aggregates of proton exchange membrane electrolytes, catalysts and electrodes; membranes	
International Class(es):	009 - Primary Class	U.S Class(es):	021, 023, 026, 036, 038
Class Status:	ACTIVE		
Basis:	44(e)		

	For:	Drug-release devices sold without medication	
International Class(es):	010 - Primary Class	U.S Class(es):	026, 039, 044
Class Status:	ACTIVE		
Basis:	44(e)		

	For:	Products of semi-worked plastics, namely, semi-finished products in the form of pellets, rods, sheets, foams, fibers and insulating materials; semi-worked fluoropolymer or fluoropolymer composite materials in the form of films, sheets, blocks, and pellets for use in electric industry, electrochemical industry and electronic industry	
International Class(es):	017 - Primary Class	U.S Class(es):	001, 005, 012, 013, 035, 038
Class Status:	ACTIVE		
Basis:	44(e)		

■ Basis Information (Case Level)			
Filed Use:	No	Currently Use:	No
			Amended:

Filed ITU:	No	Currently ITU:	No	Amended
Filed 44D:	No	Currently 44D:	No	Amended
Filed 44E:	Yes	Currently 44E:	Yes	Amended
Filed 66A:	No	Currently 66A:	No	
Filed No Basis:	No	Currently No Basis:	No	

Current Owner(s) Information

Owner Name:	Solvay SA		
Owner Address:	Rue du Prince Albert, 33 1050 Brussels BELGIUM		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	BELGIUM

Attorney/Correspondence Information

Attorney of Record			
Attorney Name:	MARK HARRISON	Docket Number:	32232-269108
Correspondent			
Correspondent Name/Address:	MARK B HARRISON VENABLE LLP PO BOX 34385 WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20045-9998		
Phone:	(202) 344-4800	Fax:	(202) 344-8300
Domestic Representative			
Domestic Representative Name:	VENABLE LLP	Phone:	(202) 344-4800
Fax:	(202) 344-8300		

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - None recorded

Proceedings - Click to Load

United States of America

United States Patent and Trademark Office

AQUIVION

Reg. No. 3,888,504

Registered Dec. 14, 2010

Int. Cls.: 1, 9, 10 and 17

TRADEMARK

PRINCIPAL REGISTER

SOLVAY SA (BELGIUM CORPORATION)
RUE DU PRINCE ALBERT, 53
1050 BRUSSELS, BELGIUM

FOR: CHEMICALS USED IN INDUSTRY AND SCIENCE; UNPROCESSED ARTIFICIAL RESINS; UNPROCESSED PLASTICS; UNPROCESSED FLUOROPOLYMERS FOR USE IN ELECTRIC INDUSTRY, ELECTROCHEMICAL INDUSTRY AND ELECTRONIC INDUSTRY; CHEMICAL CATALYST, NAMELY, CATALYSTS FOR CHEMICAL AND BIOCHEMICAL PROCESSES; POLYMERIZATION CATALYST, NAMELY, CATALYSTS FOR USE IN THE MANUFACTURE OF SYNTHETICS, RUBBERS AND POLYMERS; AND SURFACE-HYDROPHILIZATION AGENT FOR FILTRATION WEBS, NAMELY, POLYMERS IN COLLOIDAL DISPERSIONS; ELECTRO-ACTIVE POLYMERS FOR USE IN FURTHER MANUFACTURING; ELECTROACTIVE CHEMICALS, NAMELY, ELECTROCATALYSTS; PRODUCTS OF SEMI-WORKED PLASTICS, NAMELY, SEMI-FINISHED PRODUCTS IN THE FORM OF SOLUTIONS POLYMER DISPERSIONS, IN CLASS 1 (U.S. CLS. 1, 3, 6, 10, 26 AND 46).

FOR: SCIENTIFIC APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, NAMELY, CATALYST COATED MEMBRANES FOR USE IN FUEL CELLS; SCIENTIFIC APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, NAMELY, ELECTROCHEMICAL SENSORS OR ACTORS; SCIENTIFIC APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, NAMELY METAL ION RECOVERY, DEIONIZATION OR ION-EXCHANGE DEVICES IN THE NATURE OF MEMBRANES AND SEPARATION MEMBRANES; SCIENTIFIC APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, NAMELY HYDROGEN-PURIFICATION DEVICES IN THE NATURE OF MEMBRANES AND SEPARATION MEMBRANES; SCIENTIFIC APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, NAMELY MEMBRANES FOR ELECTRODIALYSIS; MEMBRANE SEPARATORS FOR USE IN ELECTROLYSIS SYSTEMS, NAMELY, ELECTROLYSIS CELL FOR USE IN THE MANUFACTURE OF VARIOUS IONIC SOLUTIONS OR GASES; FUEL CELLS; MEMBRANE ELECTRODE ASSEMBLIES COMMONLY KNOWN AS MEAS, COMPRISED OF AGGREGATES OF PROTON EXCHANGE MEMBRANE, ELECTROLYTES, CATALYSTS AND ELECTRODES; POLYMER ELECTROLYTE MEMBRANES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: DRUG-RELEASE DEVICES SOLD WITHOUT MEDICATION, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FOR: PRODUCTS OF SEMI-WORKED PLASTICS, NAMELY, SEMI-FINISHED PRODUCTS IN THE FORM OF PELLETS, RODS, SHEETS, FOAMS, FIBERS, FILMS, FOLDS, SLABS,



David J. Kypas

Attorney of the United States Patent and Trademark Office

Reg. No. 3,888,504 INSULATING MATERIALS; SEMI-WORKED FLUOROPOLYMER OR FLUOROPOLYMER COMPOSITE MATERIALS IN THE FORM OF FILMS, SHEETS, TUBES, BARS, RODS, BLOCKS, AND PELLETS FOR USE IN ELECTRIC INDUSTRY, ELECTROCHEMICAL INDUSTRY AND ELECTRONIC INDUSTRY, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF BENELUX REG. NO. 0853334, DATED 10-20-2008, EXPIRES 10-20-2018.

SER. NO. 77-689,804, FILED 3-12-2009.

JAY FLOWERS, EXAMINING ATTORNEY